CITY OF BARRE
ORDINANCE # 1997-4
Licensure and Regulation of Circuses, Carnivals and Other Shows

Section 11-33 Licensure and regulation of circuses, carnivals and other shows.

a. Authority.

This ordinance is enacted by the City Council to promote the public health, safety and welfare of the City under the authority it is granted to regulate public entertainment activities set forth in 24 V.S.A., Section 2291 and Section 104 of the Barre City Charter. This ordinance shall constitute a civil ordinance within the meaning of 24 V.S.A. Chapter 59.

b. Purpose

It is the purpose of this ordinance to regulate circuses, carnivals, and all other shows by requiring a license before any such event be held.

c. Definitions.

1. "Show" as used herein shall mean any circus, carnival, menagerie, street show or itinerant show.

2. "Show" shall also mean any form of live entertainment or performance open to the public such as, but not limited to, concerts, plays, dances with live music or a disc jockey, dance reviews, clowns, magicians, or comedians.

d. Regulation of shows.

1) No show shall be conducted in the City of Barre unless a license has been obtained from the City Council, nor shall any show be conducted in violation of the provisions of this Ordinance.
2) A license issued under this Ordinance shall be effective on issuance and shall remain in effect pursuant to Section **e, Application of license**, unless the City Council provides for expiration on an earlier date. A license which expires on December 31st shall remain in effect beyond December 31st if the holder of the license applies for a new license before December 31st and the application for new license is pending before the City Council on December 31st.

3) Any license issued under this Ordinance may be revoked by the City Council, for just cause, after notice to the license holder and provision of an opportunity for a hearing before the City Council.

e. Application of license.

1) An application for any license under the provisions of this Ordinance shall be filed with the City Clerk at least twenty-one (21) days before the date set for the opening of the show
2) A License may be issued to the owner/lessee of a facility which offers or hosts a show. Such a venue license, whenever issued, shall have a maximum effect of one (1) year expiring on December 31st.
3) A license may be issued to the manager/promoter or other party with responsibility over the content and conduct of such a show. Such an event/show license shall have a maximum effect of fourteen (14) days from date of issuance.
4) Such application shall include:

   a) The name of the owner/lessee and operator.
   b) Place or location.
   c) The intended hours of operation, and the number of days that the show will be conducted.
   d) A description of the show, proposed exhibit, or entertainment.
   e) Any other information required by the City Council or the City Manager.

f. Approval Standards.

Prior to the issuance of any license under this ordinance, the City Council shall determine that the proposed show satisfies the following standards:

1) The proposed show is in conformance with any applicable City ordinances including the Barre Zoning Regulations and Subdivision Regulations.
2) The proposed show will not result in undue adverse traffic congestion and unsafe conditions regarding the use of public roads.
3) The proposed show will not present or create a threat to the safety of persons or property because of fire, explosion or other hazards.
4) The proposed show will not create unhealthy conditions regarding water supply, sewage disposal or solid waste disposal.
5) The proposed show will not interfere with the use of neighboring property for its customary use by the creation of noise, dust, noxious odors, lighting or other activities which extend beyond the boundary of the activity.

6) The proposed show will not overburden the public infrastructure of the City. Special attention shall be given to the cumulative impacts of other activities which may be occurring at the same time.
7) The proposed show will not have an adverse effect on public health, safety, welfare and convenience of the inhabitants of the city.

g. Approval Conditions.

When issuing a license under this Ordinance, the City Council may attach such reasonable conditions as it may deem appropriate to mitigate or eliminate any impacts reviewable under the Approval Standards set forth above. Such conditions may include but are not limited to:

1) Establishing specific hours for the proposed show;
2) Establishing noise limits;
3) Requiring the provision of traffic control personnel at no cost to the City;
4) Requiring the provision of crowd control and medical personnel at no cost to the City;
5) Requiring the provision of fire fighting equipment and personnel at no cost to the City;
6) Requiring the posting of security bonds or escrow accounts to ensure compliance with applicable ordinances and license conditions;
7) Requiring that trash and litter on public streets attributable to the proposed activity be collected and removed at no cost to the City;
8) Restricting or prohibiting the consumption of alcoholic beverages in connection with any show;
9) Prohibiting the sale of admission or seating tickets in excess of the established capacity of the event area;
10) Minimum separation between audience/attendees and show performers.

h. License Fee.

The fee for an annual venue license shall be $100.00 which shall be paid at the time of filing the application by cash or certified check.

The fee for an event/show license shall be $25.00 which shall be paid at the time of filing the application by cash or certified check.

i. Exemptions.

Activities conducted by schools licensed by the State Department of Education and/or churches, on school or church grounds, are exempt from the requirements to obtain a

license and pay a permit fee. Activities conducted at City facilities shall also be exempt from the requirements to obtain a license and pay a permit fee.

j. Enforcement.

Any person who violates a provision of this civil ordinance shall be subject to a civil penalty of up to $500.00 per day, per violation for each day that such violation continues. No person who owns, leases, or controls property shall knowingly allow an unlicensed show to operate. Such persons shall be subject to a separate violation with the same penalties. Police Officers of the City of Barre shall be authorized to act as Issuing Municipal Officials to issue and pursue before the Traffic and Municipal Ordinance Bureau a municipal complaint.

k. Waiver Fee.

An Issuing Municipal Official is authorized to recover a waiver fee, in lieu of a civil penalty, in the following amount, for any person who declines to contest a municipal complaint and pays the waiver fee:

First Offense	- $ 50
Second Offense	- $125
Third Offense	- $200
Fourth Offense	- $275
Fifth and subsequent Offenses	- $350

Offenses shall be counted on a calendar year basis.

l. Civil Penalties.

An Issuing Municipal Official is authorized to recover civil penalties in the following amounts for each violation:

First Offense	- $100
Second Offense	- $200
Third Offense	- $300
Fourth Offense	- $400
Fifth and subsequent Offenses	- $500

Offenses shall be counted on a calendar year basis.

m. Other Relief.

In addition to the enforcement procedures available before the Traffic and Municipal Ordinance Bureau, the City Manager is authorized to commence a civil action to obtain injunctive and other appropriate relief, or remedy authorized by law, and to request revocation of a license by the City Council.

Adopted at Barre, Vermont this 30th day of September, 1997, and to be effective twenty days after the date of publication.

Barre City Council

Mayor Paul A. Dupre

Dr. Richard Wilgoren

Paul N. Poirier

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Received and Recorded

This 19th day of Nov., 1997

L. K. Thygesen, Assistant City Clerk